

in on whom they trust to nominate the next person for a lifetime appointment to the Supreme Court.”

In the midst of an election process, February before the election, but now we are not? Now these words don't apply? It doesn't pass the smell test in any way. No wonder Leader MCCONNELL was so defensive in his comments.

At a press conference on March 1, 2016, Leader MCCONNELL said that “we will look forward to the American people deciding who they want to make this appointment through their own votes.”

And on the floor, March 16, 2016, MCCONNELL said that “our view is this: give the people a voice in the filling of this vacancy.”

That was 8 months—more than 8 months from a national election. This is 44 days. The Senate has never confirmed a nominee to the Supreme Court this close to a Presidential election.

If that was how Leader MCCONNELL and Senate Republicans justify their mindless obstruction of President Obama's nominee, surely they must abide by their own standard. What is fair is fair. What is fair is fair. A Senators' word must count for something.

Senator MCCONNELL has come to the floor numerous times to say that “your word is the currency of the realm in the Senate.” That quote: “It is important for all Senators to keep their word, but it is particularly important for the majority leader.”

Leader MCCONNELL said those things.

My friend, the distinguished chairman of the Judiciary Committee, sensed that this situation might arise and made it crystal clear how he would behave if the shoe were on the other foot. He said:

I want you to use my words against me.

If there's a Republican president in 2016 and a vacancy occurs in the last year of the first term, you can say Lindsey Graham said let's let the next president, whoever it might be, make that nomination.

He reiterated that view less than 2 years ago and encouraged the audience to “hold the tape” for exactly this situation.

No wonder Americans have so little faith in governing and in this Senate led by the Republican majority. We now know the entire thing was a farce, not a shred of credibility to those arguments. We have the exact scenario that Chairman GRAHAM talked about—a Republican President and a Supreme Court vacancy in the last year of the first term. Indeed, it is almost the last month of his first term.

“I want you to use those words against me,” he said. “You can say LINDSEY GRAHAM said the next president, whoever it might be, should make the nomination.”

Well, here we are. And despite these words, despite their supposedly noble principle that the American people should have a voice in the decision of the next Supreme Court Justice, President Trump, Leader MCCONNELL, and

Chairman GRAHAM have already announced they will ignore their own standard and will rush to confirm a new Justice before the next President is installed—a Justice that could tear down Justice Ginsburg's life's work and other critical laws, like the Affordable Care Act.

The kind words and lamentations we just heard from the majority leader about Justice Ginsburg are totally empty, totally meaningless if he moves to appoint someone who will tear down everything Justice Ginsburg built.

Leader MCCONNELL put the Senate on “pause” for over 4 months while COVID-19 devastated our country, but now he will move Earth and Heaven, and ignore all principle and consistency, to install a new Supreme Court Justice who could rip away Americans' healthcare in the middle of a pandemic.

Leader MCCONNELL and Chairman GRAHAM have made a mockery of their previous position. They seem ready to show the world their word is simply no good. It is enough to make your head explode. And then to hear Leader MCCONNELL up on the floor trying to defend this—pathetic, pathetic.

Why even bother instructing a pretense for your position? Why say it is this rule or that rule and then do the exact opposite when it suits your interests? Why not just come to the floor and say: I'm going to do whatever is best for my political party. Consistency be damned. Reason be damned. Democracy be damned.

Just admit it. There is no shaping the cravenness of this position. But over the course of the debate, I know the Republican leadership is going to try. We are going to hear some crazy things from the other side to defend the indefensible and justify this unjustifiable power grab. We heard some of it already, a few minutes ago.

We are going to hear a series of preposterous arguments; that it somehow has to do with the orientation of the Senate and Presidency, as if that constitutes some legitimate principle. We will hear that Republicans have to do it because Democrats will do far worse, unnamed things in the future.

Some—some—few on that side will at least have the dignity of putting their head down and plowing through with it because they know there is no reason—no reason, no argument, no logic—to justify flipping your position 180 degrees and calling it some kind of principle. It is not. It is utterly craven, an exercise in raw political power and nothing more.

I worry. I worry for the future of this Chamber if the Republican majority proceeds down this dangerous path.

If a Senate majority over the course of 6 years steals two Supreme Court seats using completely contradictory rationales, how could we expect to trust the other side again?

How can we trust each other if, when push comes to shove and when the stakes are the highest, the other side

will double-cross their own standards when it is politically advantageous? Tell me how. Tell me how this would not spell the end of this supposedly great deliberative body because I don't see how.

There is only one way for this Chamber to retain its dignity through this difficult chapter. There is only one way for us to have some hope of coming together again, trusting each other again, lowering the temperature moving forward, and that is for four brave Senate Republicans to commit to rejecting any nominee until the next President is installed. That was Justice Ginsburg's dying wish. It may be the Senate's only last hope.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Edward Hulvey Meyers, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

REMEMBERING JUSTICE RUTH BADER GINSBURG

Mr. LEAHY. Mr. President, I am here with an incredibly heavy heart. Justice Ruth Bader Ginsburg—a tireless, legendary champion of equality who reshaped our society for the better—passed away on Friday, the first eve of Rosh Hashanah. Adherents of the Jewish faith believe that a person who passes away during the High Holidays is a person of great righteousness. Truer words could not be spoken of Justice Ginsburg. Standing just over 5 feet tall, she was a giant among us, a moral beacon whose life and legacy have inspired millions of Americans to do their part to bring upon a more perfect and just union. We are all forever indebted to her.

The Brooklyn-born daughter of working-class Jewish parents, the young girl who would become just the second woman to serve on the Supreme Court knew from early on she had to fight for a place in the world. And what a fighter she was.

When she entered Harvard Law School in 1956, just 1 of 9 women in a class of over 500, the United States was truly a man's world. Women were expected to stay home and out of the workplace. Even when they had jobs, they could be fired for getting pregnant